

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 4, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6 are pending in the Application.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The Applicants acknowledge the request to review the specification for grammatical errors including the error noted on page 1, line 14. The specification has been reviewed and corrections to the specification are noted above.

In the Office Action, claims 1, 2, 4 and 5 are objected to for informalities. The claims are amended herein in accordance with the suggestions contained in the Office Action. Accordingly, it is respectfully requested that the objections to claims 1, 2, 4 and 5 be withdrawn.

Claims 1-6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,995,463 to Sakashita

("Sakashita"). It is respectfully submitted that claims 1-6 are allowable over Sakashita for at least the following reasons.

Sakashita shows a recording/reproducing device that provides a reference signal 13 to a course movement motor driver 12 when an error is detected on a data carrier by a scratch detection circuit 6. The reference signal provides a stop operation to the course movement motor (see, Sakashita, Col. 2, lines 1-9) regardless of any moving behavior of the lens 3 and head 4. The reference signal does not emulate moving behavior of the lens and head and in fact, merely provides a stop operation to the course movement driver motor.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Sakashita. For example, Sakashita does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "an emulator which has an electrical behavior that emulates moving behavior of said moving part, a defect detector for providing a defect signal for the defects on said carrier, a switch controlled by said defect signal for applying the output of the emulator to the input of the controller device if defects are detected by said defect detector" as recited in claim 1, and as

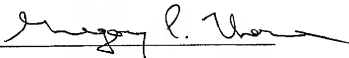
similarly recited in claim 4. In fact, Sakashita merely provides a stop signal to the stepper motor (the course movement motor) and does not emulate moving behavior of the moving part (the lens and head of Sakashita).

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 4 are patentable over Sakashita and notice to this effect is earnestly solicited. Claims 2-3 and 5-6 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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